

***United States Court of Appeals
for the Second Circuit***



**APPELLANT'S
PETITION FOR
REHEARING
EN BANC**

77-2041

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

GAYLORD W. ANGLICH,
Appellant

- against -

UNITED STATES OF AMERICA,
Appellee

x
x
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x
x

CASE NUMBER 77-2041

NOTICE FOR RE-HEARING EN BANC



This cause came on to be heard on the transcript of record from the United States District Court for the Eastern District of New York and was taken on submission. On consideration of the Appeal of denial of Appellant's Motion under U.S.C. 2255 from the U.S. Eastern District Court of New York, it was affirmed on the opinion of Judge Neaher and denied in total without opinion to the Appellant.

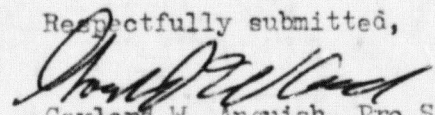
Appellant herein requests that this Motion for Re-Hearing En Banc be granted. It is furthermore requested that the re-hearing be held with consideration for Appellant's requests which were presented to and denied by the Appeals Court. Those requests were for the hearing to be held with oral arguments and there were a number of Motions presented to the Court that if they had been granted, more evidence could have been presented to the Court for consideration.

Among those Motions there was an application to gain legal assistance and it was denied. Appellant has not the ability to conform to what a lawyer can do and perhaps lacking this ability does alter the outcome of the case. Appellant presented a Motion to the Court to order transcripts for the 1974 California hearings dealing with the Rule 20 question for which the Government stated that there did not exist in the Government's case any proof of a question of the Rule 20. These transcripts would give proof to this question, as does the F.B.I. records dealing with the question. The Court denied this request and the Appellant does not have the funds to gain access to said transcripts and only by order of the Court can the Appellant present this proof in question.

Appellant sent a communication to the Appeals Court stating that the Government was three weeks past the ordered date for them to file this cases brief for the Government and there was no Motion on the part of the Government for an extension in filing. The late date is against the F.R.C.P. and left the Appellant with out the proper amount of time to file an answer or to prepare a proper answer to the Government's brief. This was ignored by the Court of Appeals.

Appellant requests that this Motion for re-hearing be granted.

Respectfully submitted,

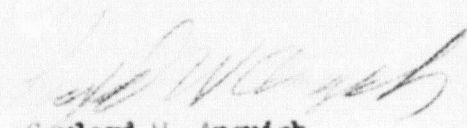

Gaylord W. Anguish, Pro Se

DATE SIGNED: November 8, , 1977

WITNESSED BY: Danny B. Stach ON November 8, , 1977

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Let it be known that a copy of this motion has been sent
via U.S. Mail to the U.S. Attorney, Eastern District of New York,
Brooklyn, New York


Gaylord W. Anguiah
Pro Se
P.O. Box 1000
Lewisburg, Pa. 17837

Pte —

United States Court of Appeals

FOR THE
SECOND CIRCUIT

At a stated Term of the United States Court of Appeals for the Second
Circuit, held at the United States Courthouse in the City of New York, on the
14th day of October,
one thousand nine hundred and seventy-seven.

Present:

HONORABLE PAUL R. HAYS

HONORABLE MURRAY I. GURFEIN

HONORABLE THOMAS J. MESKILL

Circuit Judges,

GAYLORD W. ANGUISH,

Appellant,

-against-

UNITED STATES OF AMERICA,

Appellee.

77-2041

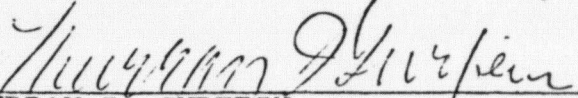
Appeal from the United States District Court for the Eastern
District of New York.

This cause came on to be heard on the transcript of record from the
United States District Court for the Eastern District of
New York, and was ~~xxx xxx xxx xxx~~ taken on submission.

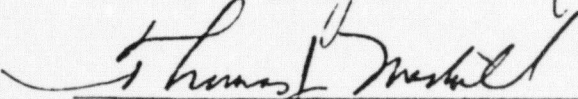
ON CONSIDERATION WHEREOF, it is now hereby ordered, adjudged,
and decreed that the order denying the appellant's ~~xxxxxxxxxxxxxx~~
~~xxxxxxxxxxxxxxxxxxxxxxxx~~ motion under 28 U.S.C. § 2255 is
AFFIRMED on the opinion of Judge Neaher below.



PAUL R. HAYS



MURRAY I. GURFEIN



THOMAS J. MISKILL

Circuit Judges